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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/685,990	10/14/2003	Carlos A. Bonilla	200309108-1	7122
22879	7590	05/30/2006	EXAMINER LAU, TUNG S	
HEWLETT PACKARD COMPANY P O BOX 272400, 3404 E. HARMONY ROAD INTELLECTUAL PROPERTY ADMINISTRATION FORT COLLINS, CO 80527-2400			ART UNIT 2863	PAPER NUMBER

DATE MAILED: 05/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/685,990	BONILLA, CARLOS A.	
	Examiner Tung S. Lau	Art Unit 2863	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 27 April 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

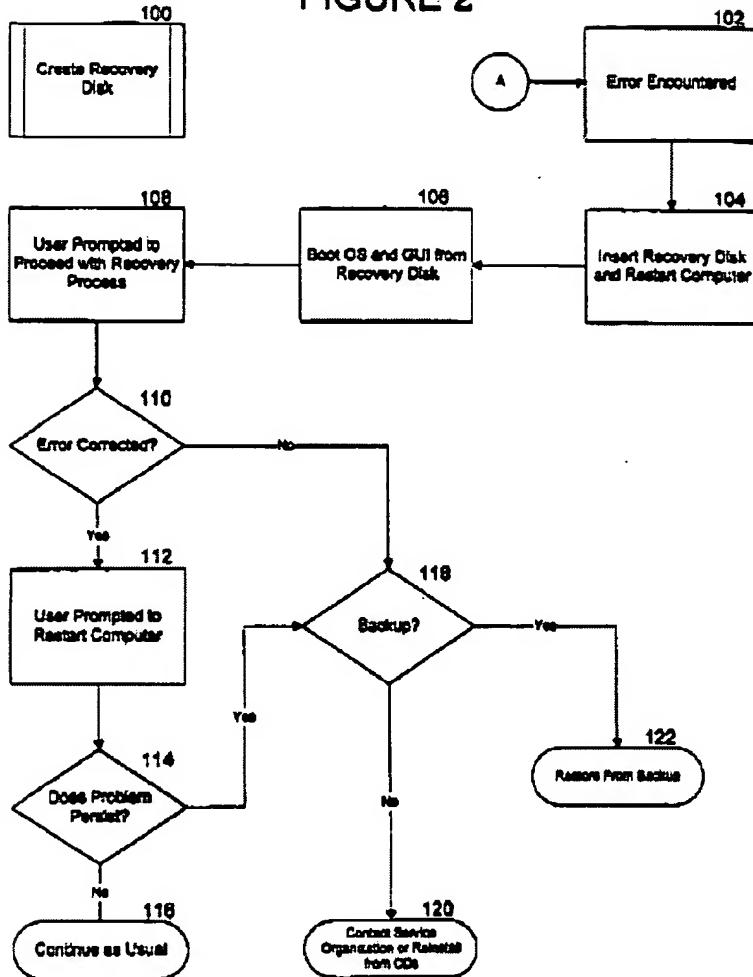
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

- a. Claims 1-7 and 14-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Meyer et al. (U.S. Patent 6,317,845).

Regarding claim 1:

Meyer discloses a computer implemented method of automatic software testing comprising: storing status information of a software test running on a test system to a common information point (abstract, fig. 2, unit 108); automatically reinstalling an operating system on said test system (Col. 12, Lines 48-62, Col. 13, Lines 8-11, abstract, fig. 2, unit 106); querying said common information point to determine said status information (abstract, fig. 2, unit 110); and resuming said software test (abstract, fig. 2, unit 116).

**FIGURE 2**

Regarding claim 14:

Meyer discloses a computer system for automatic software testing comprising: a test master computer system (abstract); a plurality of test computer systems communicatively coupled to said test master computer system (fig. 1, unit 12, 25, 27); a common information point communicatively coupled to said test master computer system and to said plurality of test computer systems (fig. 1, unit 12, 25, 27); said test master computer system for installing a test driver on each of said plurality of test computer systems (fig. 1, unit 12, 25, 27); at least one of said

plurality of test computer systems for storing status information of a software test (fig. 2, unit 110) running on said at least one of said plurality of test computer systems to said common information automatically reinstalling an operating system (Col. 12, Lines 48-62, Col. 13, Lines 8-11) on said at least one of said plurality of test computer systems ((Col. 12, Lines 48-62, Col. 13, Lines 8-11, abstract, fig. 2, unit 106, 110); querying said common information point to determine said status information; and resuming said software test (abstract, fig. 2, unit 110, 116).

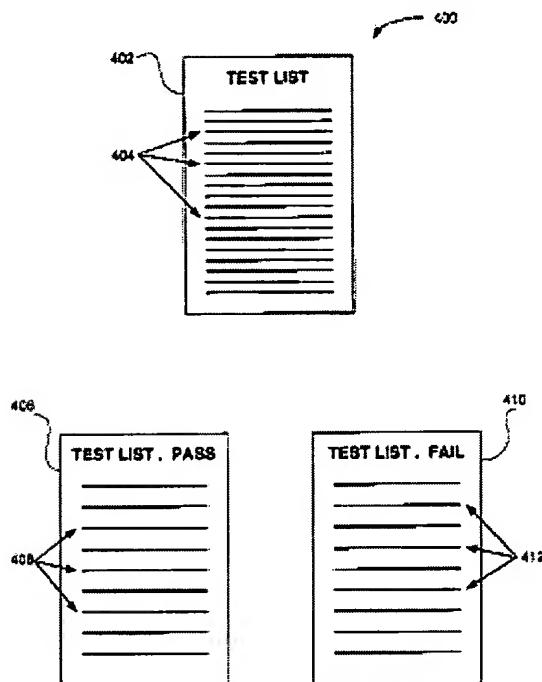
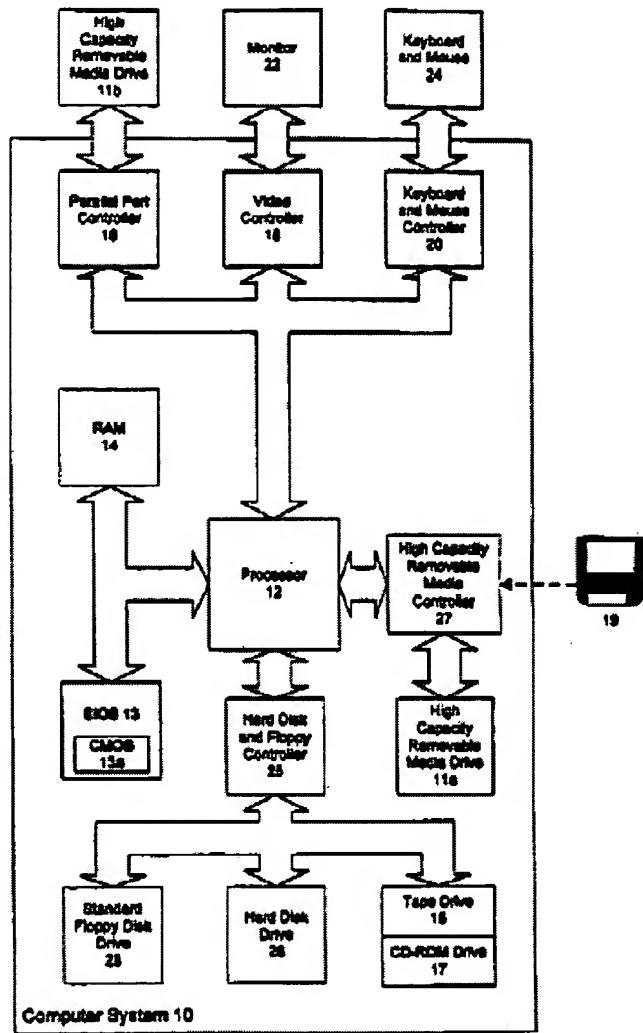


FIG. 4

Regarding claim 2 Meyer discloses common point to run the test (fig. 2, unit 106, 102); Regarding claim 3 Meyer discloses reinitializing under software control (abstract); Regarding claims 4, 17, Meyer discloses startup automatic process

initial by operating system (Col. 12, Lines 48-62); Regarding claim 5, Meyer discloses identification of test completed (fig. 2, unit 110, 114, 116); Regarding claim 6, Meyer discloses resuming restarts points to last portion completer (fig. 2, unit 110); Regarding claims 7, 20, Meyer discloses test system running a different operating system reinstalling (abstract, Col. 1-2, Lines 65-10); Regarding claim 15, Meyer discloses master computer is distinct from test computer system (fig. 1, unit 12, 17, 25); Regarding claim 16, Meyer discloses reinitializing under software control (Col. 12, Lines 48-62, fig. 2, unit 106); Regarding claim 18, Meyer discloses status information portion of test completed (fig. 2, unit 110, 116); Regarding claim 19, Meyer discloses resuming restarts to last portion completed (fig. 2, unit 110).

**FIGURE 1**



b. Claims 8-13 are rejected under 35 U.S.C. 102(a) as being anticipated by Boudnik et al. (U.S. Patent Application Publication 2003/0051186).

Regarding claim 8:

Boudnik discloses a computer implemented method of automatic software testing comprising: installing test driver software on a plurality of test systems (fig. 6, unit 508); providing a mapping of a plurality of virtual test system names to real test

system names to said test driver software (fig. 6, fig. 5, unit 500, fig. 8, unit 812); and gathering test results from said plurality of test systems (fig. 4).

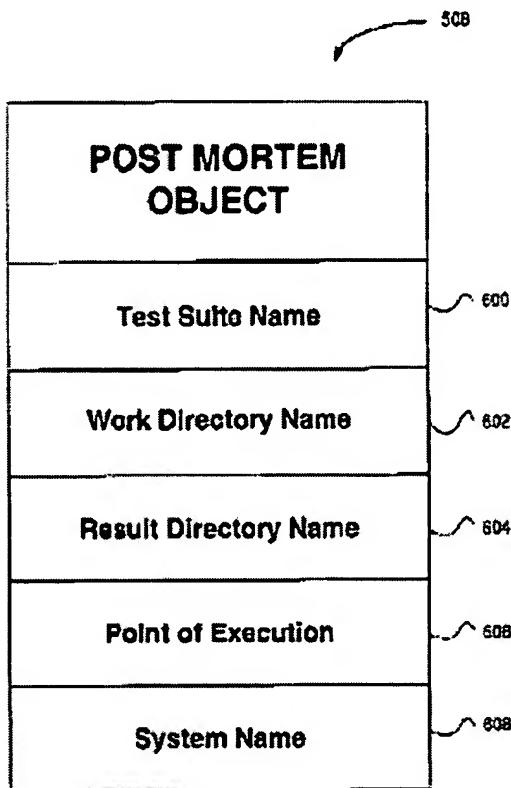


FIG. 6

Regarding claim 9, Boudnik discloses common point to run the test (fig. 1, unit 108); Regarding claim 10, Boudnik discloses result are gathered common point (fig. 2, unit 108); Regarding claim 11, Boudnik discloses mapping resides on common point of information (fig. 2, unit 114a-aa4d, fig. 3, unit 104); Regarding claim 12, Boudnik discloses common point of information is a network file system mount point common on all test system (fig. 3, unit 104, 108); Regarding claim 13, Boudnik discloses start up a process (fig. 8, unit 802).

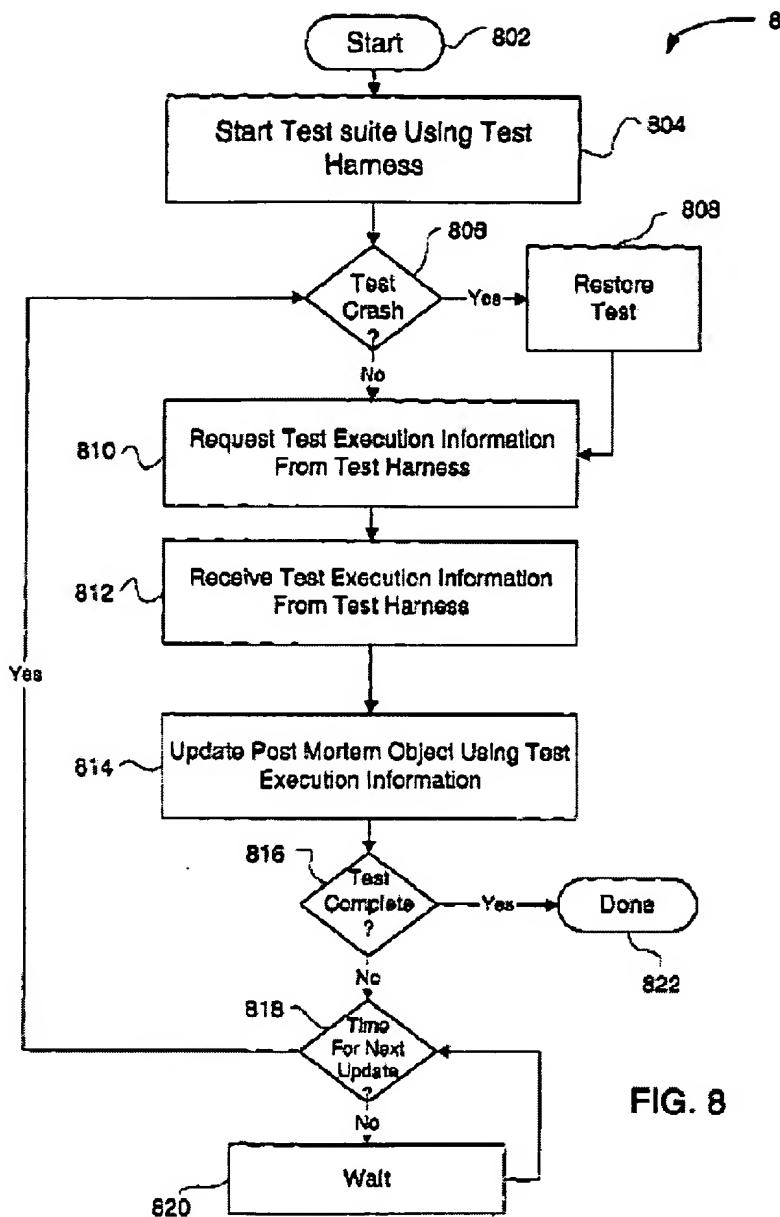


FIG. 8

***Response to Arguments***

2. In view of the applicant's arguments with respect to the amended claims filed 04/27/2006 have been considered but they are not persuasive.

A. Applicant argues that the prior art does not show the 'storing status information of a software test running on a test system to a common information

point, automatically installing an operating system on said test system, query said information point to determine said status information and resume said software test' (page 7-11 of the applicant's remarks). Reminds to the applicant that "The use of patents as references is not limited to what the patentees describe as their own inventions or to the problems with which they are concerned. They are part of the literature of the art, relevant for all they contain."

*In re Heck*, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting *In re Lemelson*, 397 F.2d 1006, 1009, 158 USPQ 275, 277 (CCPA 1968)), including drawing and pictures (Jockmus v. Leviton, 28 F.2d 812 (2d Cir. 1928)). Meyer clearly discloses 'storing status information of a software test running on a test system to a common information point ( abstract, fig. 2, unit 108, fig. 2, unit 110 where at least the previous error condition is store in a common information point), automatically installing an operating system on said test system (Col. 12, Lines 48-62, Col. 13, Lines 8-11 where Meyer discloses the installing of the OS can be done either manually or automatically), query said information point to determine said status information and resume said software test (abstract, fig. 2, unit 110).

**B.** Applicant continues to argue that the prior art does not show 'test system is running a different operating system subsequent to said reinstalling than said test system was running prior to said reinstalling' (page 11-12 of the applicant's remarks). Reminds to the applicant that USPTO personnel are to give claims their broadest reasonable interpretation in light of the supporting disclosure. In re

Morris, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997), that limitations appearing in the specification but not recited in the claim are not read into the claim. E-Pass Techs., Inc. v. 3Com Corp., 343 F.3d 1364, 1369, 67 USPQ2d 1947, 1950 (Fed. Cir. 2003). Meyer discloses when a computer system malfunction and the system will boot automatically or manually (Col. 3, Lines 10-64, Col. 12, Lines 48-62, Col. 13), when the system is reboot, part of the register is change due to this boot (Col. 3-4, Lines 59-28, the examiner assume the applicant knows how the register works in conjunction with the OS boot sequence since the applicant is the expert in the field), note that the system boot up after the previous system error, the operating system (how operating system works and configure) has change (Col. 3-4, Lines 59-28) and therefore Meyer discloses 'test system is running a different operating system subsequent to said reinstalling than said test system was running prior to said reinstalling' ( Col. 1-2, Lines 65-10, Col. 3, Lines 10-64, Col. 12, Lines 48-62, Col. 13, Col. 3-4, Lines 59-28).

C. Applicant continues to argue that the prior art does not show the 'providing a mapping of a plurality of virtual system names to real test system names to test driver software' (page 13-15 of the applicant's remarks). Reminds to the applicants that during patent examination, the pending claims must be "given the broadest reasonable interpretation consistent with the specification." Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued,

will be interpreted more broadly than is justified. *In re Prater*, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Boudnik clearly discloses ‘providing a mapping of a plurality of virtual system names to real test system names to test driver software’ in fig. 4, 5, 6, 8, 9, where Boudnik uses Java (virtual software) to identify (mapping) each objects (fig. 4, unit 906) and each object is link to hardness (real system information) information list on fig. Fig. 5 and 4.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 2863

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung S Lau whose telephone number is 571-272-2274. The examiner can normally be reached on M-F 9-5:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on 571-272-2269. The fax phone numbers for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TL

BRYAN BUI  
PRIMARY EXAMINER

